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Item No: 7.1

Application: 202835

Applicant: Mr Robert Tebb

Agent: Mr David Webb

Proposal: Proposed single storey dwelling to the rear of existing.
Access off President Road between No. 37 and 41 together
with access drive and turning facility, parking for 2 cars.

Location: 133 Straight Road, Colchester, CO3 9DE

Ward: Prettygate

Officer: Chris Harden

Recommendation: Approval subject to completion of a Unilateral Undertaking
and receipt of RAMS wildlife payment.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Buston who has concerns about: the backland nature of the scheme, out of keeping with character of the area, loss of amenity and privacy for neighbours, noise and disturbance and contrary to Local Plan policies.

2.0 Synopsis

- 2.1 The key issues for consideration are the layout and design, and impact upon neighbouring residential amenity, highway safety and vegetation.
- 2.2 The application is subsequently recommended for approval. To summarise, the proposed dwelling is similar in terms of scale and location to the recently previously approved single storey dwelling (200854). The design and layout remains acceptable and there are no objections on the grounds of highway safety, including use of the private drive. There is adequate parking provision and amenity space for the new dwelling and host dwelling. It is not considered there would be a significant impact on neighbouring residential amenity from the dwelling itself or in respect of noise and disturbance. No vegetation of significance would be affected.

3.0 Site Description and Context

- 3.1 The site lies within the settlement limits and is part of the rear garden of 133 Straight Rd. It has grass, some trees and boundary vegetation and the site itself would be served by a private drive known as President Road. The existing dwelling utilises access from Straight Road. To the North of the site lies a two storey dwelling and to the South there is a single storey dwelling.

4.0 Description of the Proposal

- 4.1 The proposal is for a detached, single storey 4 bed dwelling to be erected in an existing rear garden, with an access taken via President Road which is a private drive and currently serves 5 dwellings. A revised plan has been received, omitting the car port to provide for adequate vehicular manoeuvring.

5.0 Land Use Allocation

- 5.1 Settlement limits.

6.0 Relevant Planning History

- 6.1 200854 - Detached 4 bedroom bungalow in the garden of 133 Straight road, to be accessed from President Road - resubmission of application no. 192571 – Approved 9/9/20.
- 6.2 192571 Proposed dwelling – Refused.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:
N/A

7.5 The Neighbourhood Plan: N/A

7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017) for examination.

7.7 The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to be examined, with hearing sessions scheduled for two weeks between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

- 7.8 Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

7.9 Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website.

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

7.10 Emerging Section 2 Local Plan

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole. (See Appendix 1 if required for further background).

- 7.11 The Adopted SPD titled 'Backland and Infill' contains relevant guidance concerning new housing development in this context. It states:

"Adverse impacts can include the following:

- Loss of amenity, overshadowing, overlooking
- Loss of sunlight/ daylight
- Noise
- Loss of green links/ trees /hedgerows/vegetation
- Visual intrusion
- Loss of space between buildings
- Loss of parking
- Multiple long driveways serving a single property
- Difficulties with recycling and waste collections/bin storage

Tandem development

3.6 A tandem development is where a new dwelling is placed immediately behind an existing dwelling. Such proposals frequently cause problems such as overlooking, overshadowing of neighbouring gardens, noise (including from car movements), loss of amenity and adverse impact on local character. The Council will normally resist such proposals."

- 7.12 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Sustainable Construction
Urban Place Supplement
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Cllr Buston states the following:

1. Application bungalow represents unacceptable backland development within the rear of existing garden of 133 Straight Road both out of keeping with and detrimental to the character of the area as well as to the amenity and privacy currently enjoyed by existing properties.
2. Application further involves the siting of a separate large Car Port / Garage building resulting in further undesirable backland development poorly related to the existing pattern of development out of keeping with and detrimental to the character of the area.
3. The use of the proposed (private narrow and unadopted) accessway adjacent to the application property, essential in the Application to obtain any access to and egress from it - but nonetheless not forming part of the site on which the Application comprises, lies directly in front of existing neighbouring properties, including their front gardens, would be detrimental to neighbouring residential amenity owing to the noise, disturbance and pollution from the vehicular movements. With 2 garage / Car Port Spaces plus 2 additional parking spaces this could suggest 4 cars.
4. The use of the accessway above is essential in the Application to obtain access to all services to and from it would be further detrimental to neighbouring residential amenity owing to the noise, disturbance and pollution both from the construction of facilities and maintenance of those services.
5. There would also be the potential to overlook neighbouring private amenity space to the further detriment of neighbouring residential amenity.
6. The proposal would be contrary to the following policies of the Local Plan:
 - (i) **Policy UR2** : of the Local Plan Core Strategy adopted 2008 (with selected policies revised July 2014) which provides that the Borough Council will secure high quality and **inclusive** design in all developments to make better places for both residents and visitors.
 - (ii) **Policy DP1** : of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard, including layout, **avoid unacceptable impacts on amenity** and respect and enhance the character of the site, its context and surroundings. The policy provides that existing residential amenity should be protected, particularly with regard to noise, disturbance, overlooking and light pollution.
 - (iii) **Policy DP12** : which provides that residential development will be guided by high standards for design and **layout**.
 - (iv) **SPD Backland and Infill** : The proposal would also be contrary to the aim of the Borough Council's Supplementary Planning Document Backland and Infill (Adopted Sept 2009 and revised Dec 2010) which aims to ensure that any backland development **respects and reflects** the character of the area and confirms that such tandem development can frequently cause

problems such as noise (including from car movements), loss of amenity and adverse impact on local character and **indicates that the Council will normally resist such proposals.**

- 8.3 **Environmental Protection** does not object and suggests an informative and condition about:

NOTE: Demolition and Construction

ZPD - Limits to Hours of Work

- 8.4 **Highway Authority states:**

“The Highway Authority observes that this section of President Road is does not Publicly Maintainable Highway and does not object to the proposals as submitted” and suggests informatives as outlined in the informative section of this report.

- 8.5 **Tree Officer states:** “I am in agreement with the tree report provided.

2.0 Conclusion

2.1 In conclusion, I am satisfied with the arboricultural content of the proposal.”

- 8.6 **Landscape Officer** states there are No objections in principle.

9.0 Parish Council Response

- 9.1 No comments received.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

4 letters of objection have been received which raise concerns regarding the following issues:

- Request zoom meeting with case officer prior to committee meeting.
- Check all in President Road notified.
- Loss of light.
- Loss of privacy-privacy from our balcony eradicated.
- Loss of Amenity through light, noise, disturbance and pollution including from vehicles. More cars. Inadequate turning.
- Detrimental Impact to the character of the neighbouring properties, context and surroundings.

- Loss of vegetation which provide demarcation between properties.
- Hemmed in.
- Profiteering.
- Should be tree survey.
- Height not shown. Larger than previous.
- Carport/garage will increase bulk and affect visual appearance.
- New or altered access onto public highway not shown on any drawings. Access off private drive is not wide enough to incorporate better vehicle or pedestrian access.
- Waste storage and collection point not shown. Impinge on neighbour access.
- Site visible from public road.
- Site notice not visible. Legally assess.
- Private drive not adequate for another dwelling. Maximum number of dwellings off a type H private drive already reached.
- Emergency vehicle access concerns.
- Construction work impact.
- Gas provision and water level impact.
- Plans do not show all 5 properties off private drive- misleading.
- Previous approval 202835 must be looked at collectively as an application de novo for all development works to be carried out at 133 Straight Road.
- Could be perceived as a clever attempt by the developers to get additional approval for Road which may well not have succeeded if both 200854 and 202835 had been submitted for consideration in one composite application.
- what bearing have previous contributions have in relation to any past or pending planning processes?
- Application should be reviewed in light of all new and past objections.
- Grounds of refusal of 192571 cannot be ignored- not followed on appln 200854. Refusal reasons should apply now.
- Some forms not correctly dated.
- Depression in entrance to Private Road area at end of President Road will be exacerbated. Drive now in bad condition.
- Why not access from Straight Rd?

11.0 Parking Provision

11.1 At least two spaces.

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DP17 (Accessibility and Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Principle

- 16.1 As the site lies within the settlement limits the proposal should be judged on its planning merits in accordance with the retained hierarchical settlement elements of policies SD1 and H1 of the adopted Local Plan and Policy SP1 of the Emerging Local Plan which aim to direct such development to the most sustainable locations. The NPPF has similar provisions, with a presumption in favour of sustainable development.
- 16.2 It should also be noted that there is a recent approval for a dwelling on this site under application 200854 (approved 9/20) and this permission remains extant. Whilst the Emerging Local Plan has progressed since the time of that approval, the settlement policies still indicate a presumption in favour of sustainable development (which includes this site) and that such a proposal should be judged on its planning merits.
- 16.3 The Council is able to demonstrate a five year housing land supply and as such paragraph 11(d) of the NPPF is not engaged.

Layout, Design and Impact on the Surrounding Area

- 16.4 It is considered that this latest revised proposal represents an acceptable layout that is in keeping with the character of the area and does not represent an overdevelopment of the site. The plot is an infill rather than a backland development owing to the access position off President Road. It is of a similar layout to the previous approval as demonstrated by figures 1 and 2 below.

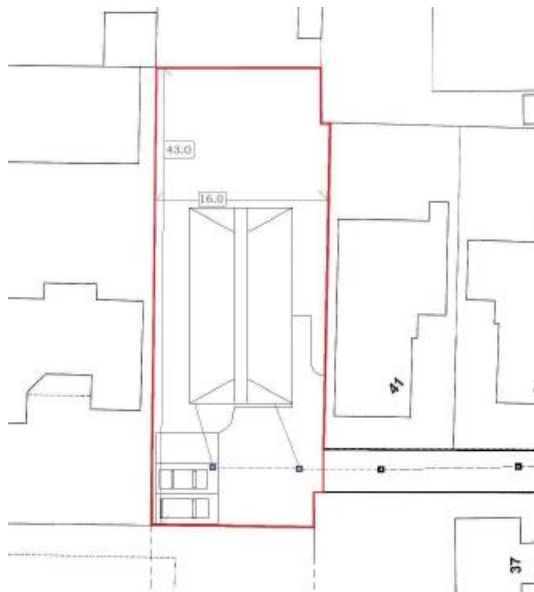


Fig 1. Previous Approval 200854



Fig 2. Current Proposal 202835

- 16.5 The plot remains of an appropriate size to accommodate a dwelling of this size and compares favourably to adjacent plots in this respect. There is adequate space between neighbouring properties to avoid the development appearing cramped. The car port/garage has been omitted from the scheme. As before, the comments of the neighbours have been carefully considered and the site has been visited by the case officer.
- 16.6 The design, form and scale of the dwelling is also considered acceptable. The building is relatively modest in scale, being single storey as before and would relate satisfactorily to the character of its surroundings. The design has omitted the previously approved open central roof and has been replaced with a more traditional pitched roof. The height of the dwelling has been kept relatively low, being approximately 5 metres compared to the previously approved height of 4.9 metres. The use of brick, cladding and a slate roof would also give the dwelling an attractive appearance in sympathy with its surroundings.
- 16.7 Overall, in terms of layout, design and impact on surroundings the proposal would therefore comply with Policy UR2 of the Local Plan Core Strategy which provides that the Borough Council will secure high quality and inclusive design in all developments to make better places for both residents and visitors.
- 16.8 The proposal is considered to comply with Policy DP1 of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard and respect the character of the site, its context and surroundings including in terms of layout.
- 16.9 The proposal is considered to comply with the provisions of the Backland and Infill SPD and is in general accordance with the Essex Design Guide. Access width is considered reasonable in this case.

Impact on Neighbour Amenities:

- 16.10 As in the case of the previous application, the proposal, which is very similar to the previous approval in terms of scale and positioning, the current proposal is considered acceptable in terms of its impact upon neighbouring residential amenity. Owing to the scale of the proposed dwelling and its distance from neighbouring properties, the proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this policy requirement.
- 16.11 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide. The neighbour's comments have once again been carefully considered in this respect but are not considered to warrant a refusal of permission.
- 16.12 Additionally, as the dwelling is single storey, the proposal does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas as identified in the above SPD. The neighbour's comment in respect of privacy in relation to their balcony has been considered but it is concluded that there cannot be a justified objection to the scheme.
- 16.13 As before, the access would pass in front of the neighbouring property but there is adequate intervening space in between the access and front elevations of neighbouring homes and the proposal is for a single dwelling. It is thus not considered that a refusal can be justified on noise and disturbance grounds from vehicle movements with this intensity of use plus the fact that the access is at the front of neighbouring property (not the private and tranquil rear gardens).
- 16.14 The objections received regarding construction works are noted and appropriate conditions can be applied to minimise disruption including a construction management plan and hours of working, as applied previously. Environmental Protection have made no objections.
- 16.15 The proposal would thus comply with Policy UR2 (better places for residents and visitors expected) and DP1 which provides that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking.

Highway Matters:

- 16.16 The Highway Authority have raised no objection to the scheme and note that access to the application site is once again from a private drive. Revised plans have been submitted showing adequate parking and manoeuvring space and the agent has confirmed the right to use the site access. The proposal complies with

Policy DP19, with space for at least 2 No. 5.5m x 2.9 m parking spaces plus turning. The host dwelling retains adequate parking spaces.

- 16.17 The width of the access serving the plot is wide enough for one extra domestic dwelling and whilst not ideal, it is not considered the proposal could be refused in this respect alone. The neighbour's concerns in respect of use of the private drive by an additional dwelling, making six in total, have been noted. However, given the lack of objection by the Highway Authority and that only a short section of private drive would be used it is not considered the proposal could be refused on the grounds of this minor intensification of use of part of the private drive.
- 16.18 The Essex Design Guide provides that "The overarching aim is to ensure that in new residential and mixed-use environments, the circulation and movement of people is pleasant, convenient, safe, responds to local context and combines with good place-making. Motorised vehicle movement must efficiently service development without predominating..." It is not considered the proposal contravenes these aims of the Essex Design Guide notwithstanding the fact that the drive would now serve 6 rather than 5 residences. The Guide was produced by the County Council and the County Council Highway Authority have raised no objections to the scheme.
- 16.19 A Construction Management Plan condition is very important given the nature of this access and proximity to neighbouring properties. This will help minimise impact upon neighbouring property and avoid highway safety issues. An informative can also be applied to advise the applicant of their responsibility to repair any damage that may be caused by construction work although essentially this is a private matter.

Trees and vegetation issues:

- 16.20 Further to the submission of the updated Arboricultural Impact Assessment and assessment by the Tree Officer, it is concluded that no trees or vegetation of importance, including any TPO trees would be lost or detrimentally affected in a significant way.

Wildlife issues:

- 16.21 As the site is not overgrown and no older or timber framed buildings would be demolished and it is not considered that a phase 1 Ecological survey is required as the site is already garden land. Accordingly it is not considered the scheme is contrary to policy DP21 which aims to protect and enhance biodiversity.
- 16.22 A RAMs wildlife payment will need to be made as a new dwelling would be created in a Zone of Influence for coastal sites subject to national designations as required by the Habitat Regulations to mitigate any adverse impacts.

Unilateral Undertaking:

- 16.23 A Unilateral Undertaking will be required to be completed in order to secure the required SPD contributions for community facilities and sport & recreation facilities.

Garden space:

- 16.24 Adequate amenity space for the new dwelling has been shown to be provided in accordance with Policy DP16. Indeed, garden space compares favourably with neighbouring properties. The host dwelling is also left with adequate retained amenity space.

Environmental and Carbon Implications

- 16.25 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location and would minimise carbon emissions from trips generated to access services.

Other

- 16.26 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There are no overriding archaeological issues (Policy DP14) – a Programme of Archaeological Work condition has been applied as per the archaeologists recommendation on the previous application.

17.0 Conclusion

- 17.1 To summarise, the proposed dwelling is similar in terms of scale and location to the recently previously approved single storey dwelling (200854). This is a material planning consideration. The design and layout remains acceptable and there are no objections on the grounds of highway safety, including use of the private drive by an additional dwelling. There is adequate parking provision and amenity space for both the new dwelling and host dwelling. It is not considered there would be a significant impact on neighbouring residential amenity from the dwelling itself or in respect of noise and disturbance. No vegetation of significance would be affected.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM – Development In accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: DD/20/160/01 RT/LSR/DWSM/02 REV A, RT/LSR/DWSM/04 Rec'd 18.12.20, RT/LSR/DWSM/03 REV C Rec'd 18.2.21, AIA TPSARB0851119 REV C Rec'd 25.2.21.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZBB- Materials As Stated in the Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Non standard condition - Parking and manoeuvring Provision

Prior to the first occupation of the development hereby permitted, two parking spaces and the manoeuvring area shall have been laid out within the site in accordance with the approved plan RT/LSR/DWSM/03 REV C. The approved parking spaces and manoeuvring area shall thereafter be maintained free from obstruction and available for parking and manoeuvring use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

5. ZPA Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide

details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative

displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
and

a scheme for recycling/disposing of waste resulting from demolition
and construction works.

Reason: In order to ensure that the construction takes place in a
suitable manner and to ensure that amenities of existing residents are
protected as far as reasonable and in the interest of highway safety.
(see informatives).

6. ZNL- Full Archaeological Condition

No works shall take place until the implementation of a programme of
archaeological work has been secured, in accordance with a Written
Scheme of Investigation that has been submitted to and approved, in
writing, by the Local Planning Authority. The Scheme shall include an
assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and
recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and
recording
- d. Provision to be made for publication and dissemination of the
analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and
records of the site investigation
- f. Nomination of a competent person or persons/organisation to
undertake the works

The site investigation shall thereafter be completed prior to
development, or in such other phased arrangement, as agreed, in
writing, by the Local Planning Authority. The development shall not be
occupied or brought into use until the site investigation and post
investigation assessment has been completed in accordance with the
programme set out in the Written Scheme of Investigation approved
and the provision made for analysis, publication and dissemination of
results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved
development boundary from impacts relating to any groundworks
associated with the development scheme and to ensure the proper
and

timely investigation, recording, reporting and presentation of
archaeological assets affected by this development, in accordance
with

Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy
(2008).

7. Non Standard Condition - Construction and Demolition

No demolition or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

8. Non Standard Condition - Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times. (see informative 4).

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

9. ZDD- Removal of Permitted Development Rights

Notwithstanding the provisions of Classes A, AA B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, new openings ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of neighbouring residential visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

10. ZAN - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any

difference in such interpretation could have an adverse impact of the surrounding area.

11. ZFK- Small Scale Residential Boundary Treatment

The dwelling(s) hereby approved shall not be occupied until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

12. ZFS – Tree and hedgerow protection

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority.

Any tree works agreed to shall be carried out in accordance with BS 3998.

19.0 Informatives

19.1 The following informatives are also recommended:

1. The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
2. The applicant should assure themselves that vehicular and pedestrian rights of access exist in perpetuity to the site
3. The applicant should note that owing to the nature of President Road, some construction vehicles (especially larger

ones) are likely to have difficulty in manoeuvring satisfactorily over the private drive section of President Road. Accordingly the Construction Management Plan should take account of this and provide appropriate mitigating details in this respect. The applicant is advised that any damage to the private drive should be made good after completion of the development and this is a private matter.

4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

5. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

6. The applicant should note that with regard to the refuse storage/disposal condition there are carry/drag distance provisions for the operatives of the refuse collection vehicle.

7. PLEASE NOTE: This application is the subject of a Unilateral Undertaking legal agreement and this decision should only be read in conjunction with this agreement.

8.ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

9.ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in

taking the site notice down and disposing of it properly, in the interests of the environment.

APPENDIX 1 – Policies Superseded from the Core Strategy Focused Review 2014 by the Shared Strategic Section 1 Local Plan

General Local Plan Status

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

Policy SP2 should be referred to when applying the Habitats Regulations requirements to secure RAMs contributions where appropriate. This does not update the approach that the Council have been implementing but the Policy context has updated status with the adoption of Section 1 which includes a specific policy covering this issue.

A few policies in the Core Strategy are superseded in part by the adopted Section 1 Local Plan, and SD2 in full only. This is outlined below in detail and a summary table for all Section1 Policies.

Policy SD2 – Full

The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities in Colchester. New facilities and infrastructure must be located and designed so that they are accessible and compatible with the character and needs of the local community.

New development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.

The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.

A CIL charging schedule would set a specified charge for each square metre of gross internal floorspace, related to the use class of the development. CIL payments will contribute to the provision of infrastructure to support development. Planning obligations and s278 agreements will continue to be used to make individual applications acceptable. The Council will publish a list of infrastructure to be funded through CIL to ensure developers do not pay twice for the same item of infrastructure. The viability of developments will be considered when determining the extent and priority of development contributions.

Is replaced by SP6.

Policy SD2 is no longer relevant.

Policy SD1 – In Part

Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Is replaced by SP1.

All other parts of SD1 remain relevant.